IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.688 OF 2002
WITH
CIVIL APPLICATION NO.997 OF 2002
IN
SECOND APPEAL NO.688 OF 2002

Kusum Ratnakar Joshi ..Appellant/Applicant
Vs.
Vitthal Parshuram
Vaykule & Ors. ..Respondents.

Mr.Amol Mhatre i/b Mr.P.K.Dhakepalkar for the appellant/applicant.
Mr.Shailendra Kanetkar i/b Mr.G.S.Godbole for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 23RD JANUARY, 2007

P.C.:

. Heard learned counsel for the parties.

2. Admit. Hearing expedited.

3. Substantial questions involved in the appeal are (a) Whether the courts below have considered the evidence on record in proper prespective and the findings recorded could be termed as perverse; (b) Whether the defendants have proved payment of entire amount of consideration as claimed by him and the findings recorded by the appeal court in that regard are perverse; (c) In the facts and circumstances of the case the appellant's suit could be said to have barred under the provisions of Order 2 Rule 2 of the

Code of Civil Procedure.

4. Call for record and proceedings. Printing is dispensed with. The appellant is directed to prepare private paper book and file it within four months from today. Liberty to the parties to apply for fix date of hearing after filing of the paper book and record and proceedings is received. If the appellant fails to file paper book, as aforestated, this appeal shall stand dismissed for non prosecution without further reference to the court.

5. Ad-interim relief granted earlier to remain operative till disposal of the appeal. Civil application is disposed of.

(D.B.Bhosale, J.)